



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

N62578.AR.001452
NCBC DAVISVILLE
5090.3a

January 8, 1999

Mr. Philip Otis
U.S. Department of the Navy
Northern Division - NAVFAC
10 Industrial Highway
Code 1811/PO - Mail Stop 82
Lester, PA 19113-2090

Re: EPA Comments on the Draft Record of Decision (ROD), Site 07, dated 11 December 1998, at the former Naval Construction Battalion Center (NCBC), Davisville, Rhode Island

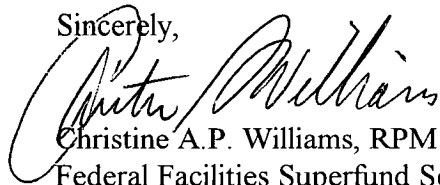
Dear Mr. Otis:

Pursuant to § 7.6 of the NCBC Federal Facility Agreement (FFA), the Environmental Protection Agency (EPA) has reviewed the above referenced document. Comments are enclosed.

EPA New England looks forward to working with the Navy and RIDEM in the finalization of the ROD for these sites. Please send a redlined ROD for our quick review.

If you have any questions about this letter please call me at (617) 918-1384.

Sincerely,



Christine A.P. Williams, RPM
Federal Facilities Superfund Section

Enclosure

cc: Richard Gottlieb, RIDEM
Walter Davis, CSO
Dave Peterson, EPA
Mary Sanderson, EPA
Howard Cohen, RIEDC
Marilyn Cohen, ToNK
Anne Heffron, Applied Enviro-Tech
Marjory Myers, Narragansett Indian Tribe
Eileen Curry, Dynamac
Jane Connet, EA Engineering, science, and Technology

EPA REVIEW OF DRAFT ROD FOR NCBC SITE 7

GENERAL COMMENTS:

1. Several changes need to be made to the ARARs tables to standardize them with recent regional ARARs determinations (for example - at McAllister Landfill and Derecktor Shipyard at NETC). One change in particular is that for the No Action Alternative the alternative is subject to chemical-specific ARARs utilized for assessing risks (including safe drinking water standards), but not location-specific ARARs since no action is to be conducted.
2. In this region RODs only contain the ARARs tables for the selected alternative. Therefore, the ARARs tables for the other alternatives in Appendix D should be removed.
3. Deed restriction language will require review prior to completing EPA's assessment of the draft ROD. The deed restriction language needs to be in accordance with RI property law standards, particularly in regard to privity of contract against future potential landowners. It also must retain access and enforcement authority with the Navy, including establishing monitoring requirements between the transferee and the Navy to insure compliance with the restrictions in perpetuity.

SPECIFIC COMMENTS:

4. Page 1, Declaration

Add the following sentence to the Description of the Selected Remedy: "No ground water use for any purpose, (including showering, drinking and irrigation) will be available on site. Land use restrictions will require adequate ventilation in all buildings constructed over the source area."

5. Page 1, Declaration, Description of the Selected Remedy

add a deed restriction on the land use also. Contaminants in portions of the plume are at or above 10% of the solubility level and therefore are indicative of the presence of dense aqueous phase liquids (DNAPLS). Such levels have been known to volatilize and collect in unventilated buildings. Buildings built on this site, over the source area of the plume, should be adequately ventilated. In accordance with RI Groundwater Quality Regulations, Class B& C Ground Water Quality Standards, section 10.03(a)(1), ground water contaminant levels must not adversely effect human health and the environment. Change the deed restriction of just groundwater use to both groundwater and land use restrictions in this paragraph and in all other appropriate paragraphs including the bullet on p.31.

6. Page 2, Declaration

add a new section to correspond with EPA's new ROD guidance that has been developed so that more frequently asked questions concerning remedies at superfund sites can be easily answered with a new standard ROD format. The section should be as follows:

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DATA CERTIFICATION CHECKLIST	LOCATION
Chemicals of concern and their respective concentrations	Appendix C, Risk Assessment Summary
Baseline risk represented by the COCs:	Appendix C, Risk Assessment Summary
Cleanup levels established for COCs and the basis for the levels	Not applicable, no cleanup levels were established
Current and future land and ground water use assumptions used in the baseline risk assessment and ROD	Appendix C, Risk Assessment Summary
Land and groundwater use that will be available at the site as a result of the selected Remedy	Description of Alternatives [add a sentence in the declaration stating: No ground water use will be available on site. Land use restrictions will require adequate ventilation in all buildings constructed over the source area]
Estimated capital, operation and maintenance (O&M), the total present worth costs; discount rate; and the number of years which the remedy cost estimates are projected.	Description of Alternatives [add what is missing to the section]
Decisive factor(s) that led to selecting the remedy	Comparison of Alternatives

7. Signature Page:

change the signature page (substitute Patricia L. Meany) to be consistent with the last RODs EPA and the Navy signed for this site in both June and September 1998. Harley Laing has not been the director of this office since last April.

8. p. 6, 2nd ¶, 3rd sentence

Change "resale" to "residential." The conveyance does not prevent the town from selling or otherwise transferring the property to another organization which will maintain the use of the property for open space/conservation.

Last sentence - Insert "or any future transferee," after "Town of North Kingstown."

Add a new last sentence: "The Navy will also retain enforcement authority over any deed restriction in perpetuity."

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9. Page 10, VOC in Groundwater

add the following to the end of the section: The VOC in groundwater is a low level threat since there are no current human receptors to the contamination nor will there be any human receptors once the institutional controls are implemented. Ecological risks are low.

10. Page 12

Add a section on Current and Potential Future Site and Resource Uses as follows:

CURRENT AND POTENTIAL FUTURE SITE AND RESOURCES	USES
Current Land Uses	Trespassing
Current adjacent/surround land uses	Residential
Reasonably anticipated land uses and basis for future use assumptions	Open-Space /Recreational - land to be transferred through DOI for use as a Park and Recreational Facility
Current Ground/surface water uses	none
Potential beneficial ground/surface water uses	recreational

11. p. 15, 1st para., 3rd sentence

Change "resale" to "residential." The conveyance does not prevent the town from selling or otherwise transferring the property to another organization which will maintain the use of the property for open space/conservation.

Last sentence - Insert "or any future transferee," after "Town of North Kingstown."

Add a new last sentence: "The Navy will also retain enforcement authority over any deed restriction in perpetuity."

12. Page 17

add a conclusion to the Risk Section such as: The HHRA/ERA indicates that the expected future use of recreational would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by.

13. p. 18, 3rd ¶, 2nd sentence

Insert "long-term monitoring and" before "institutional controls."

14. p. 20, 21, 22, 23& 33

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The Cost Estimates for each of the alternatives have a discrepancy between the estimated annual cost and the estimated total 30-year cost. If the annual cost is multiplied by 30 it greatly exceeds the total cost estimate.

15. Page 20

Add an expected outcome of the implementation of Alternative 2, such as: The expected future use would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by. Groundwater will not be available for beneficial use in the future.

16. Page 21

Add an expected outcome of the implementation of Alternative 3, such as: The expected future use would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by. Portions of the down gradient plume would be treated, but the source area would not be removed so migration of contaminants would continue. Therefore, groundwater will not be available for beneficial use in the future. However, the potential risk due to the discharge of the contaminants to the harbor would be lessened.

17. Page 22

Add an expected outcome of the implementation of Alternative 4, such as: The expected future use would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by. Portions of the down gradient plume would be treated, but the source area would not be removed so migration of contaminants would continue. Therefore, groundwater will not be available for beneficial use in the future. However, the potential risk due to the discharge of the contaminants to the harbor would be lessened.

18. Page 23

Add an expected outcome of the implementation of Alternative 5, such as: The expected future use would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by. Portions of the down gradient plume would be treated, but the source area would not be removed so migration of contaminants would continue. Therefore, groundwater will not be available for beneficial use in the future. However, the potential risk due to the discharge of the contaminants to the harbor would be lessened.

19. p. 24, 3rd ¶, 1st sentence

Insert "for the preferred alternative" after "identified."

3rd sentence - Replace "and because potential future impacts to marshes/wetlands would not be addressed" (since there are only chemical-specific and no location-specific ARARs for the alternative) with "as determined by chemical-specific federal standards under the

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Safe Drinking Water Act (42 USC 300f *et seq.*; 40 CFR Part 141) and state standards for groundwater quality (CRIR 12-100-006).

20. p. 24, 4th ¶, 2nd sentence

Remove the second sentence since there are no location-specific ARARs for Alternative 1.

21. p. 31, 1st bullet, 4th sentence

If the deed restriction is limited to only a portion of the property the ROD should discuss how the restricted area will be defined in the deed (i.e. subdividing the property into restricted/unrestricted parcels).

8th sentence - Change "resale" to "residential." The conveyance does not prevent the town from selling or otherwise transferring the property to another organization which will maintain the use of the property for open space/conservation.

9th sentence - Insert "or any future transferee," after "Town of North Kingstown" and add a new sentence: "The Navy will also retain enforcement authority over any deed restriction in perpetuity."

10th sentence - Change "periodic" to "at a minimum, yearly" and add at the end ", with inspection reports provided to EPA and RIDEM."

22. Page 32

Add the following sentence to the second paragraph: Long Term Monitoring Plans will be submitted for regulatory agency review and concurrence within 6 months of ROD signature.

23. p. 33, 2nd ¶, ARARs list

Remove "Rhode Island Remediation Regulations."

24. Page 34

Add the outcome of implementation of the remedy, such as; The expected future use would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by.

25. Appendix D

Use only the Tables for Alternative 2 (D-2 and D-3).

26. Table D-2, Page 1

Clean Water Act Status is "Applicable" only. Change the text of Action to be Taken... to "Applicable if the remedy will result in impacts to wetlands. Requirement to minimize

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and mitigate for impacts will be met."

27. Table D-2, Page 2, State Freshwater Wetlands Act, Action to be Taken.

Insert as the first sentence: "Applicable if the remedy will result in impacts to freshwater wetlands."

Federal and State Endangered Species Acts are "Applicable". In Action to be Taken... change the second sentence to: "The standard is applicable if this species is identified at or adjacent to Site 07. Appropriate measures...." For the State Act the reference to the Grasshopper Sparrow and Upland Sandpiper can be removed since these are grassland species which may occur elsewhere on the base, but not on Site 07.

28. Table D-2, Page-3

Merge the two historic places into: "Preservation of Historical and Archeological Data Act of 1974 (16 USC 469 *et seq.*, 36 CFR Part 800); Requires recovering and preserving significant historical or archeological data when such data is threatened by a federal action or federally licensed action which alters any terrain where such data is located.; Portions of Site 07 have been identified as potentially archeologically-significant areas. Located objects will be recovered and preserved in accordance with the substantive requirements."

29. Table D-3, Page 2

Remove "Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases" since the regulations provide that sites listed on the NPL shall comply with the requirements of the federal NCP in lieu of these regulations.

30. Table D-3, Page 3

Clean Water Act, Synopsis - Remove "Non-enforceable" and start sentence with "Guidelines" since, as an ARAR, the guidelines are used to develop enforceable monitoring standards under CERCLA.

31. Table D-3, Page 3

State Water Pollution Control, Status - "Relevant and Appropriate" not TBC (TBC cannot be promulgated regulations).